

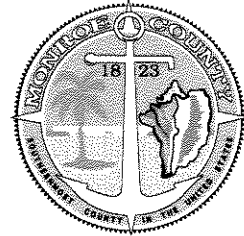
MEMORANDUM
MONROE COUNTY PLANNING DEPARTMENT
We strive to be friendly, professional and fair

To: The Planning Commission

From: Clarence Feagin, Ph.D., AICP, Senior Planner *CF*

Through: Jose Papa, AICP, Comprehensive Planning Manager *CF for Jose*

Date: October 4, 2006



Meeting Date: October 11, 2006

RE: LDR Text Amendment to Adopt Transportation Proportionate Share Mitigation Option:

Answers to questions raised at the September 27, 2006 regular meeting of the Planning Commission

I contacted Clark Turner, Administrator of the Florida Keys Area of Critical State Concern, and asked him the questions below. He said we would be in non-compliance if we didn't adopt this amendment, and suggested I speak to the transportation planner regarding the other questions, as she is DCA's lead person for the Transportation Prop Share Program.

1. Section d. General Requirements (2)(a); Can the County opt to not have the provision to add a road improvement project to the next annual update of the CIP that would alleviate a deficient roadway segment caused by a proposed development?

No. We need to keep this provision in the LDR, but it's entirely up to the County if they want to put a particular project into the CIP. We can't be forced to do anything. It has to be consistent with the comp plan, ldrs, be financially feasible for the County, and be approved by the PC and BOCC.

2. Section b. Applicability (3); Can the County delete "may include public funds as determined by the local government" from what is included as mitigation options? I noticed in FS 163.3180(c) that this language is verbatim from the statute.

No. It's statutory. But it's totally up to the County as to whether they want to use public funds. We aren't required to use public funds; it's at our discretion

3. Section h. Impact fee credit for Proportionate Fair Share Mitigation; Can the County opt not to have a provision that would allow mitigation fees to be applied as a credit against transportation impact fees?

No. You cannot double charge for impacts. The impact fee must be subtracted from the mitigation fee.

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3 4. Section j. Appropriation of Fair-Share Revenues; Can the County opt not to have a
4 provision requiring reimbursement to a developer who pays more than what they are
5 obligated to pay because, for example, a road improvement project in the CIP that is
6 later removed from the CIP and not completed, or where a developer constructs a
7 transportation facility for the County that exceeds their proportionate fair share
8 mitigation obligation?
9

10 No. You have to reimburse the developer if they pay more than what they are
11 suppose to.
12

- 13
14 5. Can Monroe County be exempt from the State mandate and statutory requirement to
15 adopt a Transportation Proportionate Fair Share Mitigation Ordinance?
16

17 No. All Cities and Counties are required to do this. Being in a "Critical Area"
18 designation does not exempt anyone.
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- 20 6. Inconsistency with **Policy 1401.4.5?**
21

22 **Amend like this: added language underlined**
23

24 *Monroe County hereby adopts a Concurrency Management System to ensure that*
25 *facilities and services needed to support development are available concurrent*
26 *with the impact of development. The Concurrency Management System shall*
27 *ensure that the County shall issue no development order or permit which results*
28 *in a reduction in the level of service (LOS) below the adopted LOS standards*
29 *referenced in Policy 1401.4.1 for those public facilities that are subject to the*
30 *system, unless there is an agreement between a developer and the County*
31 *to mitigate their proportionate fair share of impacts to the improved*
32 *transportation facility adopted in the CIP. The guidelines established in*
33 *Policies 1401.4.6, 1401.4.7, 1401.4.8, 1401.4.9, and 1401.4.10, 1401.3.1 shall*
34 *ensure that concurrency is successfully implemented.*
35